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OLC 73-0424

2 April 1973

MEMORANDUM FOR THE RECORD

SUBJECT: Meeting with Senate Armed Services Committee
on Retirement Quota Legislation

Today, John Maury, Harry Fisher, and the undersigned met with Ed Braswell, Chief Counsel and Jim Woolsey, General Counsel, Senate Armed Services Committee, in a planning session on the scheduled 5 April 1973 hearing on retirement quota legislation with the following results:

(a) Senator Symington's opening statement will be to the effect that prior to 1964 all CIA employees were covered by the Civil Service system, but that in order to provide retirement over a shorter career base for a limited number of employees--principally those engaged in operational activities overseas--Congress enacted a special retirement system in 1964 which parallels that of the Foreign Service and special provisions of the Civil Service law which apply to the FBI to permit retirement at earlier ages. Basically, the system permits voluntary retirement at age 50 with 20 years of service and permits the Director to invoke involuntary provisions of retirement at age 50 with 20 years of service or at any age with 25 years of service.

In view of the fact that the CIA Retirement Act of 1964 was establishing a new retirement system, the Committee exercised a certain degree of congressional control over the system by imposing a ceiling of 400 retirements each in the first two 5-year periods of the system. This ceiling will expire on 30 June 1974 and will have no effect beyond this date. The proposal will increase the present ceiling of 800 to 2100 to cover retirements over the 5-year period 1 July 1969 through 30 June 1974.

(b) There were several suggestions made for the Director's statement:

(1) "Please let me make clear at the outset that this legislation impacts mostly upon the clandestine side of the house--and has only a negligible impact on analysts and estimators."

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(2) Include a clear statement of what is changing about the Agency's mission.

(3) Include a clear statement on the direction the Director has set for the Agency--"This is what I want to do, i. e., reduce unnecessary personnel; increase the efficiency and effectiveness of the Agency; make room for the infusion of new and needed talent"--and after having made that point, state that "I am asking that you legislate on this measure to help us meet these objectives."

(c) Jim Woolsey felt it particularly important that we get across the point that we are not purging analysts but primarily cutting down the number of covert operators. In this connection, he felt it would be helpful if we could give him the number of PM types caught up in the surplus action, to which Fisher responded it may not be as meaningful a number as he might think.

(d) Braswell thought a point paper might be prepared reflecting the Committee's view that CIA has always conducted an austere operation. Over a long period of time, CIA has been gradually reducing personnel strength and has not recently undergone great personnel expansion, even in emergencies. The Agency's flexibility is hampered by having fewer people as the average age of the Agency's population grows older.

(e) Since this involves an exercise in reducing people, the Director should expect questions as to what he is doing or going to do with DIA, etc.

(f) Braswell asked why the prepared statement was classified, referring to the increasing pressure on the Hill to open up. Maury said this attitude is consistent with the Director's thinking, but that it would be a bad precedent to require the Director's testimony in open session. We agreed that there was little classified information in the Director's prepared statement, but that if the Committee is to obtain the benefit of the Director's thinking, the session must be closed because he will use classified numbers and figures on charts to illustrate the congestion problem in the Agency. Braswell said he would use this

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rationale with Symington in recommending an executive session. In this connection, Braswell suggested that copies of an unclassified statement by the Director be made available to the press outside the committee room "to take the pressure off the Committee." (If this is done, we should be sure that the points we want the press to cover are stated in the beginning of the statement as this is what the reporters will most likely use in getting a quote from Senator Church and others.)

(g) A page-size duplicate of the charts to be used by the Director should be available for the use of each Member, along with a copy of the prepared statement.

(h) On the technical side, Braswell questioned the advisability of including the 1 April effective date at this time and we agreed to drop it on the premise that the legislation would move swiftly.

(i) Braswell said we should be prepared with the numbers we would want if the Committee decided to extend the ceiling from three to five years beyond the present expiration date. (Our strongest argument against such an extension would appear to parallel the remarks the Director made before the House Intelligence Subcommittee on 30 March that he would prefer to control the number of participants by establishing tougher criteria for entry into the system, which does not require legislation. This is a more effective way to control costs if that is the concern of the Congress. It is doubtful that we can push an equally valid point that the ceiling arbitrarily ties the Director's hands. If it is large enough to permit the Director the flexibility he needs, then the ceiling is a facade. If it restrains the Director's freedom of action, the Congress has substituted its judgment for his, but on what grounds, e.g., does the Congress want the Agency to have more people than it can use?)

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